

**JUDGE HILL
DISCUSSES
APPELLATE
COURT WORK**

Writes Letter Thanking
Gov.

Slaton for
Appointment to
New Bench

Judge Benjamin Harvey Hill, who has resigned as chief judge of the state court of appeals to accept the appointment of judge of the new criminal division of the Fulton county superior court, Saturday morning wrote Governor Slaton a letter expressing his appreciation of the appointment.

In this letter Judge Hill takes occasion to call attention to the work which is being done by the state court of appeals. His letter, in part, follows:

“I trust that it will not be inappropriate for me to state to you as the alter ego of the people of the state the reasons impelling me to give up the high judicial position to which they have so recently re-elected me, without opposition, for a term of six years.”

“Briefly, these are, less responsibility, less work, more compensation, and a closer association with members of the Atlanta bar, to whom I am so great a debtor. To a judge with a conscience, the ultimate decision respecting a man’s liberty, reputation and property is attended with fearful anxiety. The possibility of error is a constant and harassing menace to peace and contentment. I do not mean in any degree to minimize the responsibility of a judge of a trial court, for in my opinion the office of judge of the superior court is in some respects the most important in the state. If, however, the judge of that court errs in his judgement, he can confidently and happily rely upon the supreme court or the court of appeals to correct his error. Not so with a judge of a court of last resort. His error is remediless.

“The work of the court of appeals, heavy in the beginning, has so rapidly and greatly increased that now it taxes the physical endurance and mental ability of the judges, and leaves no time for leisure or recreation. Since the organization of the court, January, 1907, nearly 6,000 cases have been determined, the opinions filling thirteen volumes. All these cases have been decided and on Monday the court will face a clear docket.”

“From data obtained from the clerks of the courts of the different number of cases which come annually to the supreme court and the court of appeals largely exceeds any other court of last resort in the United States.”

“This is not due to any exceptionally litigious spirit on the part of the people of Georgia, but is attributable to the fact that

there is in Georgia no restrictions whatever on the right of appeal, and any case, no matter how small the amount involved, can be taken on a pauper's affidavit to either the supreme court or the court of appeals."

"From the same source of information it appears that the average salary paid to the judges of courts of last resort of the different states of this union is \$6,500 a year, and the states of equal wealth and population with the state of Georgia pay to the judges salaries of from \$9,000 to \$10,000 per annum. On leaving the bench I venture to say this much in the hope that it may be of some service to greatly underpaid, overworked and faithful public servants. "

"I leave the court of appeals with reluctance and sadness. I have become attached to the work of the court, and I have enjoyed and been greatly benefited by collaboration with my able and conscientious associates."

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**FRANK'S BILL
OF**

**EXCEPTIONS
WILL**

BE SIGNED TODAY

Document Will Be
Certified by

Judge Roan at 4
o'Clock.

Solicitor Objects to
Inclusion

of Judgement's
Comment

**"IT'S THE TRUTH AND
I'LL**

SIGN IT," ANSWERS COURT

Defense Was Not Ready
at

Noon-Governor Slaton
to

Swear in Judges Roan,
Hill

and Reid at 4:30
o'Clock

Instead of being certified by Judge L. S. Roan by noon Saturday, the bill of exceptions drawn by the defense of Leo M. Frank to Judge Roan's order overruling the new trial motion in behalf of Frank will be certified at 4 o'clock Saturday afternoon, and Judge Roan then will go to the capitol to file his resignation as

judge of the Stone Mountain circuit and be sworn in as judge of the court of appeals.

It had been expected that this matter would be dispatched by noon, but the defense was not ready at that hour despite the hard work of a corps of stenographers on the voluminous document. Judge Roan and Solicitor H. M. Dorsey, with Solicitor C. S. Reid, of the Stone Mountain circuit, who will succeed Judge Roan, had been waiting in court for some time when at 11:30 o'clock Attorney L. Z. Rosser, of counsel for Frank, appeared there with the written bill of exceptions. Mr. Rosser explained the delay, and said that because of the rush there were a number of clerical errors in the document. They ought to be corrected, he said, and the correction would necessitate the rewriting of several entire pages. He asked for more time, promising to have the bill in proper shape within two hours.

CEREMONY POSTPONED.

Judge Roan consenting upon the condition that Governor John M. Slaton would not be inconvenienced. The governor had made an engagement to swear in Judges B. H. Hill, Roan and Reid at noon, with George M. Napier to be sworn in also as solicitor of the Stone Mountain circuit. By telephone Mr. Rosser secured the governor's consent to a postponement of that ceremony, and fixed 4:30 o'clock as the new hour for it. Accordingly, Judge Roan fixed 4 o'clock as the hour at which the corrected bill of exceptions will be presented to him in his chambers in the Thrower building. In the presence of attorneys representing the state and the defense, he then will certify the document and will go immediately to the governor's office.

Judge Roan's remark when he denied the motion of Frank for a new trial, that he himself was not convinced either as to the guilt or the innocence of the convicted man, was incorporated in the bill of exceptions, and Judge Roan signified his intention of allowing it to remain there.

“I object to that, of course, your honor,” said Solicitor Dorsey, when reference was made to this part of the matter.

“Well, it’s the truth that I said that, and I’m going to certify to it,” said Judge Roan.

250 PAGES IN BILL.

There are some 250 pages in the bill of exceptions. With the briefs and other additional documents which the supreme court will consider, the Frank case records will make perhaps the most voluminous that the high court has ever studied.

Immediately after Judge Roan affixes his signature to the bill of exceptions Saturday afternoon it will be delivered to Arnold Broyles, clerk of the superior court of Fulton county. The law makes it incumbent upon the clerk to have copies printed of it, for the use of the superior court. The printing will be undertaken immediately. Ten days are allowed by law for the defense to file its bill with the supreme court after the court below has denied the motion. The probability is that about all of that time will be required to get the Frank case papers in shape.
